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REJECTION OVER A "PRIOR" PATENT	RUBIS531D1C3
in re Application of: Roberta LEE and James VETTER	RECEIVED
Application No.: 10/796,326	CENTRAL FAX CENTER
Fliad: March 8, 2004	OCT 1 1 2006
For: EXCISIONAL BIOPSY DEVICE AND METHODS	001 1,1 2000
The owner*, RUBICOR MEDICAL, INC. of 100 percent interest in the instant application hereby disclalms, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior patent is presently shortened by any terminal disclalmer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns. In making the above disclalmer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later: expires for failure to pay a maintenance fee; is held unenforceable; is found invalid by a court of competent jurisdiction; is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321; has all claims canceled by a reexamination certificate; is relsaued; or Is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.	
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2. The undersigned is an attorney or agent of record. Reg. No. 37,970 Signature	September 8, 2006 Date
Alan W. YOUNG Typed or printed name	
Terminal disclaimer fee under 37 CFR 1.20(d) included.	850-851-7210 Telaphone Number
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